Supreme Court, U.S.
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No. 10-_____

IN THE

Supreme Court of the United States

Rev. Dr. Willie Gerald Newsom, T.H.D., D.D.,

Petitioner,

v.

The United States, United States Justice Department, The State of Tennessee, State of Tennessee Department of Human Services, ET AL.

Respondent.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Sixth Circuit

---

PETITION FOR A WRIT OF CERTIORARI

Rev. Dr. Willie G. Newsom
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(731) 285-7010

Pro Se Counsel for Petitioner

QUESTIONS PRESENTED

1. Is U.S. Code 28 § 1872 a constitutionally valid federal statutory law that requires the U.S. Supreme Court to allow a Petitioner to have his or her issues of fact examined by a Trial by Jury before the U.S. Supreme Court?

2. Is U.S. Code 18 Chapter 13 § 242 a constitutionally valid law that prohibits a judge from roadblocking a citizen's right to Due Process of Law and a demanded right to a Trial by Jury?

3. Can any citizen of the United States be stripped of his or her citizenship rights without Due Process of Law guaranteed by the 14th Amendment?

4. Can a citizen of the United States be roadblocked from showing sworn affidavits of witnesses and his or her evidence that prove injuries have occurred before a demanded Trial by Jury?

5. Can the only Durable Power of Attorney and executor of a person's will and estate be totally ignored where proceedings against a ward have been denied Due Process of Law?

6. Can the U.S. Supreme Court name any statutory law that would prevent a citizen's right to have a demanded constitutionally guaranteed right of Trial by Jury?

PARTIES TO THE PROCEEDING

The following individuals and entities are parties in the court below:

Rev. Dr. Willie Gerald Newsom; The United States, United States Justice Department, The State of Tennessee, State of Tennessee Department of Human Services, Marianna Williams, Larry Blakeburn, Kimberly Childress Monteith, Kenny Monteith, Connie Haymon Scott, Telesa Taylor, Joni McGehee, Steve Stafford, Larry Newsom, Julio M. Pagan, Jan Stigall, Dyersburg Manor Nursing Home and Dyersburg State Gazette / Russ Communications Inc.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Rev. Dr. Willie G. Newsom respectfully submits this petition for a writ of certiorari to review the final order of the United States Court of Appeals for the Sixth Circuit that road-blocked this Petitioner's right to Due Process of Law.

OPINION BELOW

The court of appeals' opinion/order dismissed the Petitioner's case without his constitutionally guaranteed right to Due Process of Law. Such makes a total of five courts that habitually road-blocked the Petitioner's constitutionally guaranteed right to a demanded Trial by Jury and Due Process of Law. *United States v. William Wagner*, (99-2481), (6th Cir. 2001) states: "The right to a jury trial is a fundamental right and is not subject to harmless error review. Because the right to a trial by jury is a fundamental constitutional right, a waiver cannot be presumed from a silent record. *United States v. Lee*, 539 F.2d 606, 609 (6th Cir. 1976)(citing *Burnham v. N. Chicago St. Ry. Co.*, 88 F. 627 (7th Cir. 1898)). In fact, "courts indulge every reasonable presumption against waiver of fundamental constitutional rights and require a showing of an intentional relinquishment or abandonment of a known right or privilege." Lee. 539 F.2d at 609-610 (citing *Johnson v. Zerbst*, 304 U.S. 458, 464, 58 S.Ct. 1019, 82 L.Ed. 1461

(1938))." This makes a total break down of this Petitioner's right to Due Process of Law: And a violation of the Federal Rules of Civil Procedures FRCP Rules 38(a) and 39(a). Due Process of Law would have shown that the Petitioner has filed solid evidence in the justice tracking system that none of the Defendants refuted: that there is wide spread corruption and a coverup of various crimes and injuries that this Petitioner and his Mother have suffered which have never been addressed at any time by any of the five courts: And is being allowed by the indifference of State and Federal officials who refuse to give an accounting of their actions. An examination of the Petitioner's witnesses would have shown his strong position in this case. Reference the case of *United States v. Lanier*, (95-1717), 520 U.S. 259 (1997) – "rights and privileges which are secured and protected by the Constitution and the laws of the United States, namely the right not to be deprived of liberty without due process of law."

JURISDICTION

A. The Petitioner had authority by the laws of our land to be in the Federal Court System based upon a requirement to be respected of U.S. Code 28 § 1331, that clearly states, that the original jurisdiction for matters involving violations of the United States Constitution is the Federal District Court for the District in which that party victimiz-

ed resides, which is the U.S. District Court for the Western District of Tennessee.

B. The Petitioner is fully in his right to be in the Federal Court System under U.S. Code 28 § 1343, which gives the Petitioner the right to be in the Federal Court System where he feels that the State Court System would not show respect to his rights or would be the wrong jurisdiction to address matters involving the violation of his and his Mother's Constitutional and Civil Rights under the Americans with Disabilities Act of 1990; the Civil Rights Act of 1990 - 1991 and his and his Mother's right to receive monetary damages for those violations that others have received as proven by the case laws the Petitioner has filed with the Court.

C. The Petitioner is fully within his right to be in the Federal Court System for violation of his right of personal safety and that of his Mother, that is a violation of U.S. Code 42, § 3058(i), which is the Prevention of Elder Abuse, Neglect, and Exploitation Law that requires Federal and State officials to make certain that the Petitioner and his Mother as senior citizens are not neglected, abused, exploited, oppressed, or injured in any way. In *State of Tennessee, Petitioner v. George Lane, Et. Al.* No. 02-1667 U.S. 541 (2004) the U.S. Supreme Court ruled against the State of Tennessee for its very bad record of abuse of the rights of the Disabled and Elderly.

D. The Petitioner is fully within his right to be in the Federal Court System under the right guaranteed by U.S. Code 28 § 1443 that clearly states, the Petitioner is within his right to receive monetary damages that he is owed for violations of his Constitutional and Civil Rights and the injuries he has suffered by the actions of the Defendants and the actions that abused his Mother as well. *United States v. Bagley,* 473 U.S. 667, 682 (1985) held: "there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different". Such proves that the Defendants are all liable for monetary damages for deliberately suppressing evidence that would have revealed that the Defendants all worked together to neglect and abuse the Petitioner and his Mother.

E. The Petitioner is fully within his right to be in the Federal Court system guaranteed under U.S. Code 42 §§ 1981, 1983 that give him the right to receive monetary damages from Attorney Marianna Williams whose fraud is easily seen by her own words in Exhibit 28 claiming that she was never the Petitioner's or his Mother's attorney and where Exhibits 1-12 expose that she had been one who road blocked their right to a Trial by Jury, and/or the right of a hearing: Where in Exhibit 22 and 28 her fraud is easily revealed by her actions and her own words. Such requires FRCP Rule 11 correction by the Court. *Maine v. Thiboutot*, 448 U.S. 1 (1980) held: "Title 42 U.S.C. § 1983 – which provides that

anyone who, under color of state statute, regulation, or custom deprives another of any rights, privileges, or immunities "secured by the Constitution and laws" shall be liable to the injured party – encompasses claims based on purely statutory violations of federal law, such as respondents' state court claim that petitioners had deprived them of welfare benefits to which they were entitled under the federal Social Security Act. Given that Congress attached no modifiers to the phrase "and laws," the plain language of the statute embraces respondents' claim, and even were the language ambiguous, this Court's earlier decisions, including cases involving Social Security Act claims, explicitly or implicitly suggest that the § 1983 remedy broadly encompasses violations of federal statutory as well as constitutional law. Cf., e.g., *Rosado v. Wyman*, 397 U.S. 397; *Edelman v. Jordan*, 415 U.S. 651; *Monell v. New York City Dept. Of Social Services*, 436 U.S. 658. Pp. 448 U.S. 4-8."

F. The Defendants and the Judges have deceitfully failed to address that this Petitioner himself has suffered social, physical, financial, emotional and irreparable personal injuries caused by the Defendants in violation of the following:

Age Discrimination Act of 1975

Federal Tort Claims Act

Major Fraud Act of 1988

Older Americans Act

Prevention of Elder Abuse, Neglect, and Exploitation Statute 42 U.S.C. § 3058i

Protecting Seniors from Fraud Act of 2000

Rehabilitation Act of 1973

Tennessee Governmental Tort Liability Act

STATUTORY PROVISIONS INVOLVED

Title 18 U.S.C. §§ 241, 242
Title 18 U.S.C. § 1001
Title 18 U.S.C. § 1518
Title 28 U.S.C. § 144
Title 28 U.S.C. § 1331
Title 28 U.S.C. § 1343
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Title 28 U.S.C. § 1872
Title 28 U.S.C. § 2111
Title 42 U.S.C. §§ 1981, 1983
Title 42 U.S.C. § 3058(i)

STATEMENT

I. The Local State Attorney General recommended the Petitioner to file his case with the Federal Court in Memphis, TN:

A. The following words were declared by Dyer County, TN Attorney General Phil Bivens to the Petitioner: "Brother Newsom, since Federal Laws and your Constitutional Rights and those of your Mother have been violated in this matter, I highly recommend you, without fail, to file an immediate lawsuit in the Federal Court in Memphis, Tennessee, on behalf of you and your Mother!" In *Snyder v. Massachusetts*, 291 U.S. 97, 105, 54 S.Ct. 330, 332, 90 A.L.R. 575 (1934), "it was said that Due Process prevents state action which offends some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental."

B. The Defendants have continued to refuse to provide proof pertaining to their false charges that they made against the Petitioner and his Mother: And had no justification to remove the Petitioner's Mother against her and the Petitioner's wishes. No citizen of the United States can be stripped of his or her rights without Due Process of Law and without a right of a hearing or by 7th Amendment guaranteed right to Trial by Jury. *Duncan v.*

Louisiana, 391 U.S. 145 (1968) stated: "the right to a trial by jury is a "fundamental constitutional right to the American scheme of justice," and that the states were obligated under the Fourteenth Amendment to provide such trials."
The Judges in the Sixth Circuit have dishonorably covered up such by violation of U.S. Code 18 Chapter 13 § 242: Because of the age of the Petitioner's Mother and the injuries she suffered that the Defendants have never argued about. After the Petitioner filed some newspaper articles that evidently angered Judge Steve Stafford and caused him to want to abuse them: **Clearly he placed his unjustified, one-sided, non-hearing ruling on the Petitioner's birthday of January 5th, 2006, and had another ruling rigged up in a non-hearing, unjustified, one-sided way by a friend of his on the Petitioner's Mother's birthday on May 21st, 2007.** It should be noted: that Judge Steve Stafford at the time was the Chief Judge of the Tennessee Court of Judiciary to whom judicial complaints would be sent and decided. Such proves fraud and malice which gives the Petitioner right to punitive damages. *Screws v. United States,* 325 U.S. 91 (1945) is where the U.S. Supreme Court ruled that federal intervention is required to reverse the oppressive actions of state officials who seek to deny a citizen of his or her right to life, liberty, and the pursuit of happiness and especially of the right to safety and personal well being.

C. The judges at the Sixth Circuit and U.S. District

Court in Memphis, sought to cover up that the Petitioner has been his Mother's only General Durable Power of Attorney since 1997, which none of the Defendants in any of their filings ever argued. Such under Rule 8(d) of the Federal Rules of Civil Procedures (FRCP) is proof that the Petitioner alone, possesses the authority to demand his Mother's immediate return to her own residence as per her own declared stated wishes in Exhibit 34 and per his demand as her only General Durable Power of Attorney: And as her only Executor of her Will as seen in Exhibit 44 and Exhibit 53 filed in the justice tracking system: And as her chosen legal voice for 22 years as well as her only choice of care giver in all that time.

D. The Petitioner complains that Rule 24 of the FRCP was deliberately ignored by the judges that gives him, as his Mother's biological son, the right as her only General Durable Power of Attorney and as her only Executor of her Will to make certain that injuries that happened to his Mother that the Defendants never argued, be compensated fully by this Court as required by the case laws and the laws of our land identified by the Petitioner.

E. The Petitioner complains that the judges of the Sixth Circuit and elsewhere, did in fact, ignore that Federal Judge Samuel Mays was required by U.S. Code 28 § 144 that the Petitioner invoked to recuse himself for his shown prejudice and bias in this

case;[1] and yet, he defiantly refused to respect that federal statutory law in violation of his oath of office as did Judge Steve Stafford.

F. The judges of the Sixth Circuit and of Memphis, Tennessee and elsewhere, have ignored that every citizen of the United States is required, under the Fourteenth Amendment, to the constitutionally guaranteed right of Due Process of Law, and not to be subjected to the abuse of one-sided rulings that seek with malfeasance to cover up abuses of the Defendants of a case. **Such violates the Petitioner's First Amendment right to have redress of grievances, as a right guaranteed by the U.S. Constitution. That attitude by the Sixth Circuit and elsewhere treats disrespectfully our Constitution as if it is a worthless rag.**

G. The Judges also ignored the signed letter on the stationery of the U.S. Justice Department of Washington, D.C. by the Chief of the Disability Rights Section giving formal permission for the Petitioner to file his complaint immediately with the Federal Court for the District where he resides, which the Petitioner exercised his right to do; he did in fact file: Pertaining to violation of his rights and those of his Mother under the Americans with

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1 He was a legal counsel to the Governor of Tennessee from 1995 to 1997 and was the Chief Budget Officer to the Governor and Chief of Staff for Tennessee from 1997 to 2000.

Disabilities Act of 1990 and the Civil Rights Act of 1990-91 and under the Federal Prevention of Elder, Neglect, Abuse, and Exploitation Law which is U.S. Code 42 § 3058(i), etc.

II. Proof of Collusion that Road-Blocked right to Due Process of Law:

The Petitioner complains that federal statutory law that is known as United States Code Title 18 Chapter 13 § 242 declares that it is a felony offense for any judge to use his/her position to unlawfully roadblock, deny, obstruct, and deprive citizens of the United States of their rights guaranteed by the United States Constitution to a demanded and invoked Trial by Jury and/or hearing.

A. The Petitioner also points out that it is a felony offense for anyone to use his or her position to seek to obstruct justice from being done in total disrespect of the obstruction of justice laws of our land. Such is a violation of U.S. Code 18 Part I Chapter 73 § 1518.

B. Such an attitude demonstrated by judges of the Sixth Circuit and by the Federal Court Judge in Memphis, Tennessee and elsewhere, is a violation of the conspiracy to defraud statute, which is also a felony offense that is known as U.S. Code 18 Chapter 13 § 241.

C. Such is also a violation of the fraud statute, U.S. Code 18 Chapter 47 § 1001 by using one's position to

defraud the Petitioner of the monetary damages that his large numbers of sworn affidavits of witnesses that the judges deliberately never mentioned at any time, clearly show that he has been injured by the identified defendants of this case and has suffered himself personal, social, emotional, and physical, as well as financial injuries by those identified defendants of Sixth Circuit Case 08-6074.

D. Tim Edwards, Attorney for Defendant Marianna Williams, has stated emphatically in his biography that anyone can examine his bragging that he is a personal friend and holds "pull" with judges in high positions of authority at the Sixth Circuit, at the federal judgeship of Memphis, Tennessee, and with the Board of Professional Responsibility of Nashville, Tennessee.

E. The Petitioner complains and certifies that U.S. District Court Clerk Anthony Johnson did in fact state to this Petitioner when he confessed that he had been ordered by the words of Judge Samuel Mays, being passed on through Judge Mays' own assistant to pretend that the Petitioner had not filed papers that clearly the Petitioner had evidence were properly filed in the justice tracking system. Thusly, Judge Mays was violating U.S. Code 18 Chapter 13 §§ 241, 242 and promoting a fraud violating U.S. Code 18 Chapter 47 § 1001, which the judges of the Sixth Circuit have sought to ignore.

F. The Petitioner complains, that the judges of the

Sixth Circuit ignored the fact that Federal Judge Samuel Mays, who served as Chief Budget Officer for the other key Defendant of this case, had been one who had pretended in his final ruling by his unconstitutionally and illegally road-blocking the Petitioner's right to Trial by Jury that Federal law U.S. Code 42 § 3058(i) did not allegedly exist. It is clearly a very binding law upon the Federal Government and the Defendants of this case, because it requires Federal and State Governments not to allow any senior citizen to be neglected, abused, exploited, oppressed, or injured by anyone; yet, the judges of the Sixth Circuit and elsewhere have sought to cover up the requirements of that law!

G. The Petitioner is fully within his right to be in the Federal Court System where his HIPAA rights have been violated as shown by Exhibit 33 front page newspaper article by Defendant Marianna Williams and the Dyersburg State Gazette / Russ Communications. They clearly without his authorization which is required to be respected under the HIPAA of 1996: Committed a felony offense when they disclosed to the public for maximum exposure on the front page of their newspaper which has worldwide Internet access, that he is a bed ridden man; and thusly, they recklessly endangered him. This Petitioner complains that within a few days, police records showed that burglars evidently basing their actions upon the words of that well publicized newspaper article sought to break into the Petitioner's home.

H. The Sixth Circuit is required by law to correct this injustice immediately and to award the Petitioner summary judgment that others have received according to the case laws identified in the Petitioner's "En Banc Appellant Brief" and his "Composite Reply Brief of the Appellant". Failure to award the Petitioner summary judgment is failure by the Sixth Circuit to have consistency in rulings and failure to respect the favorable rulings that the Sixth Circuit gave for similar issues that took place in the following cases: *Anderson v. Liberty Lobby Inc.* 477 U.S. 242, 248 (6th Cir. 1986); *Duchon v. Cajon Co.,* 791 F.2d 43, 46 (6th Cir. 1986); *United States v. Bagley,* 473 U.S. 667, 682 (1985); *Screws v. United States,* 325 U.S. 91 (1945) and more than 42 case laws identified by the Petitioner.

REASONS FOR GRANTING THE PETITION

III. The Motivation behind why the right to Due Process of Law was Road-Blocked:

A. The judges of the Sixth Circuit show themselves totally ignoring:

1. That the attorneys for Dyersburg Manor Nursing Home and the State of Tennessee and Attorneys for Defendants: Marianna Williams and Dyersburg State Gazette /

Russ Communications made numerous filings.

2. Dr. Julio Pagan's attorney is seen clearly in the justice tracking system admitting that his client was formally served the Petitioner's formal complaint. Yet, because the Attorney knew his client was guilty he never at any time argued the charges of the Petitioner.

3. None of the Defendants have argued the issues of this case because they know their guilt is clearly exposed by the Petitioner's large numbers of sworn notarized affidavits of his many witnesses.

4. It is a fact that not one single Defendant of this case has ever filed an exhibit or affidavits of any witnesses.

5. Anderson v. Liberty Lobby Inc. 477 U.S. 242, 248 (6th Cir. 1986); *Duchon v. Cajon Co., 791 F.2d 43, 46 (6th Cir. 1986)* and the U.S. Supreme Court ruled in situations like the Petitioner's that he is immediately entitled by law to summary judgment where the guilt of the Defendants is clearly seen and where the Defendants failed or refused to provide proof of their innocence.

B. The Petitioner complains that eight (8) Defendants are in default by their failure to answer the Petitioner's served complaints. They are as follows: the United States and the United States Justice Department, Defendants Kenny and Kim

Monteith, Larry Blakeburn, Larry Newsom, Dr. Julio Pagan, and Joni McGehee. The Petitioner invoked his right guaranteed under Rule 55 of the FRCF to demand a Default Judgment against them.

C. The Petitioner complains, that the judges of the Sixth Circuit ignored that the United States and U.S. Justice Department are in default:

1. Because the Petitioner has the signed letter on the stationery of the U.S. Attorney for the District where he resides in the Memphis, Tennessee area, admitting that their office was served a formal complaint of the Petitioner, but protesting the Petitioner should have served someone else and that they had been so busy they forgot to answer the complaint.
2. Since the United States and U.S. Justice Department are Defendants in this case and that the U.S. Attorney who was fired shortly thereafter was required on their behalf to answer that complaint within sixty (60) days: Therefore, the United States and U.S. Justice Department are automatically in default under Rule 12 Subpart 3(A) of the FRCP.

D. This Petitioner has supplied proof:

1. That the State of Tennessee has received $ 1.2 Billion in Federal Funding yearly in order to provide for senior citizens and

adults with physical disabilities and where 99 percent of the funding is going to Nursing Homes and only 1 percent was allowed for in-home and community-based services.
2. As reported by the AARP most people prefer to remain in their own homes with proper in-home care.
3. The disparity of spending between the Nursing Homes versus In-Home & Community-Based Services is over whelming.

E. There are state wide violations of the U.S. Supreme Court's decision of *Olmstead v. L.C.*, (98-536) 527 U.S. 581 (1999) which decided that state governments can not force senior citizens and disabled persons against their will into Nursing Homes because of their age and/or disabilities. The State of Tennessee has one of the worse records of the nation and is ranked 47th. Our governor became very wealthy from the Nursing Home industry and is using the power of his office in violation of *Olmstead v. L.C.*, (98-536) 527 U.S. 581 (1999).

F. No State or Federal agency has ever conducted a complete investigation into this matter: Although the Petitioner has plead many times to all to initiate one.

CONCLUSION

A. The Petitioner has shown overwhelming proof in all of his filings found in his "En Banc Appellant Brief" and "Composite Reply Brief of the Appellant" that were submitted to the 6th Circuit that the court completely ignored. Due Process of Law would have proved the strength of the Petitioner's case and would have shown that he is entitled to immediate Summary Judgment.

B. **The abuses suffered by this Petitioner and his mother are shown by the evidence filed to be wide spread throughout the State of Tennessee and may reflect a national problem allowed by the indifference of the U.S. Justice Department towards the plight of the Elderly and Disabled by an out of control situation.**

C. It is a fact that Chief Judge Danny Boggs and U.S. Attorney David Kustoff both were replaced after this Petitioner complained to the U.S. Senate Judiciary Committee. U.S. Congressman Jim Sensenbrenner of Wisconsin and other Congressmen have formally complained that situations like this Petitioner's and his mother's prove that there is an absolute need for the creation by the U.S. Congress of a fully empowered federal judicial watch agency with the full authority to bring criminal charges against any state or federal judge who purposely seeks to deny any citizen of his or her Constitutional and Civil Rights.

D. This Petitioner certifies that he was recently contacted by two federal officials from the U.S.

Government Accountability Office who said that they were ordered by the U.S. Senate Special Committee on Aging to see if the charges made by this Petitioner have validity and declared to this Petitioner the following: "Dr. Newsom, we have just started our investigation and have already found 20 other cases that substantiate your charges."

E. This Petitioner states: "It is the fundamental principle of law that all American courts are required to obey under the Fourteenth Amendment that all citizens are to be considered in all civil and criminal cases innocent until proven guilty by the preponderance of the evidence and have the right to trial by jury to be defended against false charges filed against them."

F. The Petitioner also invokes U.S. Code 28 § 2111 to shield this filing from unjust criticism and harmless errors as he has done in all filings including the U.S. District Court's ordered Amended Complaint.

Respectfully submitted.

Rev. Dr. Willie G. Newsom
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(731) 285-7010

Pro Se Counsel for Petitioner

April 16, 2010

No. 08-6074

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE

WILLIE GERALD NEWSOM, Rev. Dr., T.H.D., D.D.,

Plaintiff-Appellant,

v.

STATE OF TENNESSEE, TENNESSEE DEPARTMENT OF HUMAN SERVICES; TENNESSEE MARIANNA WILLIAMS; CONNIE SCOTT; HAYMON; TELESA TAYLOR; DYERSBURG MANOR NURSING HOME; DYERSBURG STATE GAZETTE / RUSS COMMUNICATIONS, INC.,

Defendants-Appellees,

and

LARRY BLAKEBURN; KIMBERLY CHILDRESS MONTEITH; JONI MCGEHEE; JULIO M. PAGAN,

Defendants.

ORDER

(Filed on August 13, 2009)

Before: BOGGS, Chief Judge; COLE and COOK, Circuit Judges.

Willie Gerald Newsom, a Tennessee citizen proceeding pro se, appeals a district court order dismissing his civil rights complaint. This case has been referred to a panel of the court pursuant to Rule 34(j)(1), Rules of the Sixth Circuit. Upon examination, this panel unanimously agrees that oral argument is not needed. Fed. R. App. P. 34(a).

On December 13, 2006, Newsom filed a complaint against the state of Tennessee, the Tennessee Department of Human Services, Marianna Williams, Larry Blakeburn, Kimberly Monteith, Connie Haymon, Telesa Taylor, and Joni McGehee, alleging constitutional and statutory violations in connection with a state court

proceeding in which Monteith was appointed as his mother's conservator. The complaint primarily alleged malpractice on the part of Williams, an attorney whom Newsom claimed failed to properly defend his and his mother's rights during the conservatorship proceedings. The district court ordered Newsom to file an amended complaint, noting several deficiencies in his original complaint, including a failure to state any jurisdictional allegations. In a separate order, the district court denied Newsom's subsequent motions seeking injunctive relief and court-ordered investigations into his mother's care.

Newsom filed an amended complaint, which added as defendants the United States; the United States Justice Department; Kenny Monteith; Steve Stafford, a Dyer County Chancery Court judge; Larry Newsom; Julio Pagan; Jan Stigall; Dyersburg Manor Nursing Home; and Dyersburg State Gazette/Russ Communications, Inc. The amended complaint contained few specific factual contentions, alleging generally that the defendants denied Newsom and his mother due process, recklessly disregarded his mother's well-being, treated them both cruelly and inhumanely, and slandered him.

The district court dismissed all claims purporting to seek relief for injuries to Newsom's mother on the ground that Newsom lacked standing

to sue on her behalf. It also dismissed all claims seeking judicial review of the Dyer County Chancery Court decisions regarding his mother's conservatorship, reasoning that they were barred by the *Rooker-Feldman* doctrine. Finally, the district court concluded that the complaint was subject to dismissal in its entirety because it failed to comply with the court's previous order to amend.

Newsom filed this timely appeal, and he has since filed several other motions and requests for relief. On appeal, Newsom argues that he and his mother were denied due process when he was not appointed her conservator; that she was removed from her home without due process; that it was a violation of the Americans with Disabilities Act not to appoint him as conservator; that the defendants' actions violated the Eighth Amendment prohibition against cruel and unusual punishment; that he is entitled to a default judgment against McGehee, Monteith, Pagan, Blackburn, and Larry Newsom; that the district court should have appointed him counsel; that the district court judge should have recused himself; that he is being denied medical care; that his mother is being neglected, chemically restrained, and falsely imprisoned; that the defendants have slandered him; and that the defendants have committed legal malpractice.

We review de novo a district court's dismissal of a case pursuant to Federal Rule of Civil Procedure

12(b)(6). *Bassett v. Nat'l Collegiate Athletic Ass'n*, 528 F.3d 426, 430 (6th Cir. 2008). To survive a motion to dismiss, the factual allegations in a complaint must "raise a right to relief above the speculative level." *Id.* (quoting *Bell Atl. Corp. v. Twombley*, 550 U.S. 544, 555 (2007)). In reviewing a motion to dismiss, the court construes the complaint in the light most favorable to the plaintiff, accepts the factual allegations as true, and draws all reasonable inferences in favor of the plaintiff. *Id.* When considering a motion to dismiss, the court may consider the complaint and any exhibits attached thereto, as well as public records and items appearing in the record to the case that are referred to in the complaint. *Id.*

The gravamen of Newsom's complaint is that he and his mother were denied due process and the right to a jury trial in connection with the state court conservatorship proceedings. Newsom, however, has failed to state a claim under any federal statutory or constitutional provision.

First, the district court correctly held that Newsom lacks standing to bring suit on behalf of his mother for an alleged violation of her constitutional rights. A claim under 42 U.S.C. § 1983 is "entirely personal to the direct victim of the alleged constitutional tort" and cannot be pursued by a third party, regardless of the interrelated nature of the harms suffered. *Barber v. Overton*,

496 F.3d 449, 458 (6th Cir. 2007) (internal quotation marks omitted).

Second, Newsom's allegations of negligence against his attorney may give rise to a legal malpractice claim, but they do not provide a basis for federal subject matter jurisdiction. *See Conley v. Rust*, 15 F. App'x 209, 210 (6th Cir. 2001). A private attorney representing a client, while acting as an officer of the court, does not act under color of state law and thus is not subject to suit under § 1983. *See Otworth v. Vanderploeg*, 61 F. App'x 163, 165 (6th Cir. 2003). Accordingly, to the extent that Newsom seeks to hold Williams liable for alleged violations of his constitutional rights, he has failed to state a claim on which relief can be granted.

Third, to the extent that Newsom seeks to invalidate the state court's conservatorship order, his claims are subject to dismissal under the *Rooker-Feldman* doctrine, which "bars parties that have lost in state court from filing suit in federal district courts for the purpose of obtaining review of the adverse state-court judgments." *Powers v. Hamilton County Public Defender Comm'n*, 501 F.3d 592, 606 (6th Cir. 2007), *cert. denied*, 129 S. Ct. 44 (2008); *see generally Dist. of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 483 n.16 (1983); *Rooker v. Fid. Trust Co.*, 263 U.S. 413, 415-16 (1923). Further, although Newsom makes

allegations of fraud and other illegal actions by the defendants in connection with the conservatorship proceeding that are not necessarily barred by the *Rooker-Feldman* doctrine, *see McCormick v. Braverman*, 451 F.3d 382, 393-95 (6th Cir. 2006), these allegations are wholly conclusory and do not warrant relief.

Newsom's remaining arguments are without merit. He has failed to state a claim under the Eighth Amendment, which applies only to persons who are in custody as the result of being convicted of a crime. *See Ingraham v. Wright*, 430 U.S. 651, 664-65 (1977). Newsom's claims of fraud and slander against the Dyersburg Gazette also do not state a federal claim even if they could implicate state law claims of defamation or invasion of privacy. Additionally, Newsom is not entitled to a default judgment against the defendants who did not respond to his complaint, as the record does not show that they were ever served with a summons or the complaint in accordance with Federal Rule of Civil Procedure 4.

Finally, we conclude that the district court did not abuse its discretion when it denied Newsom's motions seeking disqualification of the district court judge. *See United States v. Jamieson*, 427 F.3d 394, 405 (6th Cir. 2005). Recusal was not warranted as a result of the judge's former employment as legal counsel to the former governor

of Tennessee or Newsom's dissatisfaction with the court's rulings. *See EBI-Detroit, Inc. v. City of Detroit*, 279 F. App'x 340, 354 (6th Cir. 2008) (noting that a motion for disqualification must be supported by specific facts showing a personal or extrajudicial bias).

For these reasons, Newsom's pending motions are denied, and the district court's order is affirmed. Rule 34(j)(2)(C), Rules of the Sixth Circuit.

ENTERED BY ORDER OF THE COURT

Leonard Green Clerk

No. 08-6074

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

ORDER

WILLIE GERALD NEWSOM, Rev. Dr., T.H.D., D.D.,

Plaintiff-Appellant,

v.

STATE OF TENNESSEE; TENNESSEE DEPARTMENT OF HUMAN SERVICES; MARIANNA WILLIAMS; CONNIE SCOTT HAYMON; TELESA TAYLOR; DYERSBURG MANOR NURSING HOME; DYERSBURG STATE GAZETTE / RUSS COMMUNICATIONS, INC.,

Defendants-Appellees,

and

LARRY BLAKEBURN; KIMBERLY CHILDRESS MONTEITH; JONI MCGEHEE; JULIO M. PAGAN,

Defandants.

Upon sua sponte consideration,

It is **ORDERED** that the mandate is hereby recalled.

The petition for en banc rehearing will be tendered and the Court will determine if it should be filed since the original was mailed to the wrong address and bears an incorrect case number.

ENTERED PURSUANT TO RULE 45(a), RULES OF THE SIXTH CIRCUIT

s/ Leonard Green, Clerk

Issued: November 20, 2009

No. 08-6074

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

ORDER

WILLIE GERALD NEWSOM, Rev. Dr., T.H.D., D.D.,

Plaintiff-Appellant,

v.

STATE OF TENNESSEE, ET AL.,

Defendants-Appellees.

and

LARRY BLAKEBURN, ET AL.,

Defendants.

Upon consideration of the appellant's untimely petition for rehearing en banc, It is ORDERED that the petition not be accepted for filing.

ENTERED BY ORDER OF THE COURT

s/ Leonard Green, Clerk

Issued: February 11, 2010

Supreme Court, U.S.
FILED

0 9 1 3 3 0 NOV 1 1 2009

OFFICE OF THE CLERK
William K. Suter, Clerk

No. 10-_____

IN THE

Supreme Court of the United States

Rev. Dr. Willie Gerald Newsom, T.H.D., D.D.,

Petitioner,

v.

The United States, United States Justice Department, The State of Tennessee, State of Tennessee Department of Human Services, ET AL.

Respondent.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Sixth Circuit

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SUPPLEMENTAL APPENDIX TO WRIT OF CERTIORARI

Rev. Dr. Willie G. Newsom
110 East Parkview St.
Dyersburg, TN 38024
(731) 285-7010

Pro Se Counsel for Petitioner

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
TENNESSEE WESTERN DIVISION

WILLIE GERALD NEWSOM,

Plaintiff,

vs. No. 06-2842-Ma/P

STATE OF TENNESSEE, et al.,

Defendants.

ORDER OF DISMISSAL
ORDER DENYING PENDING MOTIONS
ORDER CERTIFYING APPEAL NOT TAKEN
IN GOOD FAITH
AND
NOTICE OF APPELLATE FILING FEES

On December 13, 2006, Plaintiff Willie Gerald Newsom, a resident of Dyersburg, Tennessee, filed a pro se civil action, entitled "Lawsuit For Extreme Violation of Civil Rights That Did Irreparable Harm" (Docket Entry ("D.E.") 1) against the State of Tennessee;[1] Marianna Williams, an attorney practicing in Dyer County, Tennessee; Larry Blakeburn; Kimberly Childress Monteith; DHS Adult Protective Services Caseworker Connie Scott Haymon;[2] DHS Attorney Telesa Taylor; and Joni McGehee. Defendant Monteith is apparently Plaintiff's niece. Defendants Blakeburn and McGehee were not identified in the original complaint.

On June 21, 2007, the Court issued an order that, inter alia, advised Plaintiff that his complaint, as filed, contained several serious deficiencies. (D.E. 45.) First, Plaintiff was informed that the complaint did not comply with Rules 8(a), 8(e)(1), and 10(b) of the Federal Rules of Civil Procedure (id. at 4-7) and that the factual

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1 The Court construes the allegations against the Tennessee Department of Human Services ("TDHS") as an attempt to assert a claim against the State of Tennessee.

2 The complaint lists this defendant as "Connie Haymon Scott," but her name is correctly listed in her first motion to dismiss. (D.E. 3.)

allegations were, in large part, unintelligible (id. at 2-4, 5-6). Second, Plaintiff was informed that the complaint did not allege a potentially viable claim under any of the state and federal statutes cited in the original complaint, or in a one hundred seventeen (117) page legal memorandum filed in response to a motion to dismiss (D.E. 12), and, therefore, that it did not appear the Court had subject-matter jurisdiction over this action. (D.E. 45 at 8-12.) Third, Plaintiff was informed that he did not appear to have standing to litigate any claim arising from an injury to his mother, because he was neither her custodian nor her guardian ad litem. (Id. at 12.) The order concluded that, "[i]f the deficiencies identified in this order are not corrected, the complaint may also be dismissed, in whole or in part, pursuant to Fed. R. Civ. P. 8(a) and Fed. R. Civ. P. 12(b)(1) and (6)." (Id. at 13.)

On August 16, 2007, the Court issued an order that, inter alia, granted Plaintiff an extension of time, until October 1, 2007, to file his amended complaint. (D.E. 65.) Plaintiff filed his amended complaint on September 20, 2007. (D.E. 68.) For reasons that are not explained, the amended complaint adds as additional defendants the United States, the United States Department of Justice, Kenny Monteith, Steve Stafford, Larry Newsom, Julio M. Pagan, Jan Stigall, the Dyersburg Manor Nursing Home, and the

Dyersburg State Gazette/Russ Communications, Inc.

Since the filing of the amended complaint, the Court has issued two orders in this matter, in response to motions filed by the parties, disapproving certain of Plaintiff's claims. (D.E. 90 & 100.)[3] On January 28, 2008, the Court issued an order that, inter alia, Plaintiff lacks standing to sue on behalf of his mother (D.E. 90 at 3-4), and that the Court lacks the authority 1) to order the Federal Bureau of Investigation ("FBI") to investigate, or the United States Attorney to file criminal charges against, any person (id. at 5, 9), 2) to review any decision issued by the Chancery Court of Dyer County, Tennessee (id. at 6-7, 11), or 3) to enjoin any state-court proceeding (id. at 9-10). Several of those conclusions were reiterated in an order issued on February 27, 2008. (D.E. 100 at 5-6.)[4]

The order directing Plaintiff to file an

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[3] Although those orders denied various pending motions, the Court has not, prior to this time, dismissed any part of the original complaint or the amended complaint.

[4] Plaintiff filed a notice of appeal of these interlocutory orders (D.E. 101), and the Sixth Circuit dismissed the appeal, Newsom v. State of Tenn., et al., No. 08-5360 (6th Cir. May 6, 2008) (D.E. 106).

amended complaint advised that, "[i]f the deficiencies identified in this complaint are not corrected, the complaint may also be dismissed, in whole or in part, pursuant to Fed. R. Civ. P. 8(a) and Fed. R. Civ. P. 12(b)(1) and (6)." (D.E. 45 at 12-13.) The Court must now consider whether Plaintiff's amended complaint asserts any viable claim over which this Court has subject-matter jurisdiction and whether the other pleading deficiencies in the complaint have been cured.

In its order issued on January 28, 2008, the Court observed that Plaintiff's amended complaint does not assert any basis for his standing to sue on behalf of his mother. (D.E. 90 at 3-4; see also D.E. 45 at 12-13.) Therefore, the Court DISMISSES the complaint, to the extent it purports to seek recovery for any injury to Plaintiff's mother, Willie Sue Newsom, pursuant to Fed.
R. Civ. P. 17(a) and 12(b)(6), for failure to state a claim on which relief may be granted.

The original complaint also purports to seek judicial review of decisions issued by the Dyer County Chancery Court about the guardianship of Plaintiff's mother. (See D.E. 45 at 4.) As stated in the order issued on January 28, 2008, the Rooker-Feldman doctrine precludes a federal district court from reviewing a state-court decision. (D.E. 90 at 6-8.) The Court DISMISSES the complaint, to the extent it purports to seek judicial review of any decision by the Dyer County Chancery Court,

pursuant to Fed. R. Civ. P. 12(b)(1) and (h)(3), for lack of subject-matter jurisdiction.

In assessing whether the complaint in this case states a claim on which relief may be granted,

> [t]he court must construe the complaint in the light most favorable to plaintiffs, accept all well-pled factual allegations as true and determine whether plaintiffs undoubtedly can prove no set of facts consistent with their allegations that would entitle them to relief. . . . Though decidedly liberal, this standard does require more than bare assertions of legal conclusions. . . . Plaintiffs' obligation to provide the "grounds" of their entitlement to relief requires more than labels and conclusions or a formulaic recitation of the elements of the cause of action. The factual allegations, assumed to be true, must do more than create speculation or suspicion of a legally cognizable cause of action; they must show entitlement to relief. . . . To state a valid claim, a complaint must contain either direct or inferential allegations respecting all the material

> elements to sustain recovery under some viable legal theory.

League of United Latin Am. Citizens v. Bredesen, 500 F.3d 523, 527 (6th Cir. 2007) (citations omitted; emphasis in original); see also Minadeo v. ICI Paints, 398 F.3d 741, 762-63 (6th Cir. 2005) (complaint insufficient to give notice of statutory claim); Savage v. Hatcher, 109 F. App'x 759, 761 (6th Cir. 2004); Coker v. Summit County Sheriff's Dep't, 90 F. App'x 782, 787 (6th Cir. 2003) (affirming dismissal of pro se complaint where plaintiff "made 'bare bones,' conclusory assertions that do not suffice to state a cognizable constitutional claim"); Payne v. Secretary of Treas., 73 F. App'x 836, 837 (6th Cir. 2003) (affirming sua sponte dismissal of complaint pursuant to Fed. R. Civ. P. 8(a)(2); "Neither this court nor the district court is required to create Payne's claim for her."); Foundation for Interior Design Educ. Research v. Savannah College of Art & Design, 244 F.3d 521, 530 (6th Cir. 2001) (the complaint must "'allege a factual predicate concrete enough to warrant further proceedings'") (citation omitted); Mitchell v. Community Care Fellowship, 8 F. App'x 512, 513 (6th Cir. 2001); Lewis v. ACB Bus. Servs., Inc., 135 F.3d 389, 406 (6th Cir. 1998); Scheid v. Fanny Farmer Candy Shops, Inc., 859 F.2d 434, 436 (6th Cir. 1988) ("[M]ore than bare assertions of legal conclusions is ordinarily required to satisfy federal notice pleading requirements.").

In the June 21, 2007 order, Plaintiff was advised that the original complaint did not comply with Fed. R. Civ. P. 8(a)(1), which requires "a short and plain statement of the claim showing that the pleader is entitled to relief." Specifically, the Court stated as follows:

> The factual allegations of the complaint are unclear. The complaint contains no factual allegations against Defendants Blakeburn and McGehee. It is not clear whether Defendant Monteith has been named the conservator for Mrs. Newsom. The factual basis for Plaintiff's claims is not clearly articulated. The relationship of the Chancery Court action to Plaintiff's claims is not explained. The allegedly wrongful actions of Defendants Scott and Taylor are not described. Instead, the complaint recounts, at length, Plaintiff's resume and achievements and the alleged criminal histories and disreputable backgrounds of various family members who are not parties to this action. The complaint also refers to various evidentiary exhibits that were presented in the Chancery Court action but are not before this Court and quotes various Tennessee statutes

> and rules of court without connecting those provisions to any cause of action.

(D.E. 45 at 5-6 (footnote omitted).) The order included the following instructions:

> Plaintiff is ORDERED, within thirty (30) days of the date of entry of this order, to submit an amended complaint that complies with Rules 8[,] 9, and 10 of the Federal Rules of Civil Procedure. Each claim for relief shall be stated in a separate count that (i) identifies the defendants against whom it is asserted; (ii) sets forth the factual basis for the claim; and (iii) identifies the statute under which the claim arises. Any exhibits to the complaint shall be numbered and shall be referenced by number in the text of the complaint. The amendment must be typed or hand printed on 8½ by 11 inch paper, one side to a sheet. Plaintiff must personally sign the amendment.

(Id. at 8 (footnote omitted).)

In response, Plaintiff filed an amended complaint that contains no factual allegations, referring instead to several of the seventy-three

(73) exhibits that were submitted at various times. In so doing, Plaintiff has ignored the instruction that "[t]he Court and parties cannot be expected to sift through [the exhibits submitted by Plaintiff] to ascertain the nature of Plaintiff's claims." (Id. at 6.) The omission of any factual statement is especially problematic given the dismissal of all claims brought on behalf of Plaintiff's mother. The original complaint did not allege any injury to Plaintiff himself, and the basis for Plaintiff's claims, on his own behalf, against each of the defendants, is not stated. For that reason alone, the amended complaint must be dismissed in its entirety, pursuant to Fed. R. Civ. P. 8(a)(2) and 41(b).

The amended complaint also does not comply with Fed. R. Civ. P. 8(a)(1) and 10(b). In response to the instruction that the complaint plead the basis for federal subject-matter jurisdiction, Plaintiff has listed thirty-four (34) statutes, most of which are not jurisdictional provisions. (D.E. 68 at 1-2.) The only provisions that are potentially applicable are 28 U.S.C. §§ 1331 and 1343, and those statutes require the Plaintiff to plead a valid claim under the U.S. Constitution or some federal law that provides

for a private right of action.[5] As discussed

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[5] The other statutes Plaintiff cites as a basis for federal jurisdiction are not relevant to that inquiry. The only other jurisdictional provisions cited are plainly inapplicable here: 28 U.S.C. § 1345 provides for federal subject-matter jurisdiction where the United States is a plaintiff, and 28 U.S.C. § 1346 provides subject-matter jurisdiction for claims against the United States under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 2671 et seq. Although the amended complaint purports to add the United States as a defendant, the basis for that amendment is not stated.

The other provisions of Title 28 of the United States Code, cited by Plaintiff as a basis for federal jurisdiction, are not jurisdictional provisions: 28 U.S.C. §§ 144 and 455 concern judicial disqualification; 28 U.S.C. §§ 651 and 652 authorize federal courts to implement alternative dispute resolution programs; 28 U.S.C. § 1361 concerns mandamus actions against federal officers or employees; 28 U.S.C. § 1402(b) governs venue in cases against the United States under the FTCA; 28 U.S.C. § 1443 authorizes the removal of civil rights cases filed in state court under certain limited circumstances; 28 U.S.C. § 1652 provides that state laws shall be applied in various civil actions; 28 U.S.C. § 1654 provides that litigants may proceed pro se or through counsel; 28 U.S.C. § 1870 concerns peremptory challenges in federal jury trials; and 28 U.S.C. § 2111 concerns Supreme Court procedure.

The Declaratory Judgment Act, 28 U.S.C. § 2201, does not provide an independent basis for federal subject-matter jurisdiction. (See D.E. 45 at 10.)

Twenty-eight U.S.C. § 2403, which sets forth the circumstances under which the United States can intervene in cases to which it is not a party, does not confer subject-

infra, he has not done so.

To establish specific claims, Plaintiff has listed numerous federal and state statutes, but has not complied with the direction to set forth the

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matter jurisdiction on the federal courts. There is no indication that the United States seeks to intervene in this case.

Twenty-eight U.S.C. § 2513 sets forth the matters to be proven in a suit for unjust conviction and imprisonment in the Court of Federal Claims.

Twenty-eight U.S.C. §§ 2672, 2674, and 2677 are part of the FTCA.

The various federal criminal statutes Plaintiff cites (18 U.S.C. §§ 241, 242, 1001, and 1518) do not provide a basis for federal subject-matter jurisdiction for the reasons stated in the June 21, 2007 order. (D.E. 45 at 8-9 & n.12.)

Plaintiff cites several provisions of Title 42 of the United States Code (§§ 1791, 1981, 1983, and 12132), none of which governs the jurisdiction of the federal courts. One such provision, 42 U.S.C. § 10406, does not exist.

Plaintiff cites 10 U.S.C. § 923, a provision of the Uniform Code of Military Justice pertaining to forgery, but it is not clear why.

Tennessee Code Ann. § 39-13-103, which defines the state criminal offense of reckless endangerment, does not confer any jurisdiction on the federal courts.

factual basis for each claim. (See D.E. 45 at 8.) The June 21, 2007 order set forth the reasons the complaint did not assert a valid claim under Title VII of the Civil Rights Act of 1964, Title I of the ADA, the Declaratory Judgment Act, the Health Insurance Portability and Accountability Act of 1996, and 42 U.S.C. § 1983. (Id. at 9-12.) Those claims, which are included in the amended complaint, are DISMISSED, pursuant to Fed. R. Civ. P. 12(b)(6).

The amended complaint also cites numerous federal statutes not cited in the original complaint. It is unnecessary to address whether Plaintiff might have a valid claim under each of these provisions because, by eliminating all factual allegations and ignoring the fact that he may not sue on behalf of his mother, it is not possible to discern the injury, if any, Plaintiff claims to have suffered on his own behalf. Many of these statutes do not contain a citation to the United States Code, including the Age Discrimination Act of 1975; the Major Fraud Act of 1988; the Older Americans Act;[6] and the Protecting Seniors from Fraud Act. Other statutes are plainly inapplicable, such as the Bill Emerson Good Samaritan Food Donation Act, 42

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According to the USCA Popular Name Index, the Older Americans Act was passed in 1965 and was amended in 1967, 1969, 1975, 1981, 1984, 1986, 1987, 1992, 1993, 2000, and 2006.

U.S.C. § 1791, which limits civil and criminal liability of persons who allow the collection or gleaning of donations for ultimate distribution to needy individuals, and 42 U.S.C. § 1981, which bars intentional discrimination on the basis of race.

Because Plaintiff has failed to comply with the order to file an amended complaint that complies with Fed. R. Civ. P. 8, 9, and 10 and asserts one or more claims over which there is federal subject-matter jurisdiction, the Court DISMISSES the remainder of the complaint, in its entirety and without prejudice, pursuant to Fed. R. Civ. P. 8 and 41(b). All outstanding motions are DENIED as moot. The Clerk is directed to enter judgment for Defendants.[7]The Court must also consider whether Plaintiff should be allowed to appeal this decision in forma pauperis, should he seek to do so. The United States Court of Appeals requires that all district courts in the circuit determine, in all cases where the appellant seeks to proceed in forma pauperis, whether the appeal is frivolous. Floyd v. United States Postal Serv., 105 F.3d 274, 277 (6th Cir. 1997). Twenty-eight U.S.C. § 1915(a)(3) provides that "[a]n appeal may not be

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The claims that seek relief on behalf of Plaintiff's mother and that seek review of the decision of the Dyer County Chancery Court are dismissed with prejudice. The remaining claims are dismissed without prejudice.

taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." Pursuant to the Federal Rules of Appellate Procedure, a non-prisoner desiring to proceed on appeal in forma pauperis must obtain pauper status under Fed. R. App. P. 24(a). See Callihan v. Schneider, 178 F.3d 800, 803-04 (6th Cir. 1999). However, Rule 24(a) also provides that if the district court certifies that an appeal would not be taken in good faith, or otherwise denies leave to appeal in forma pauperis, the plaintiff must file his motion to proceed in forma pauperis in the Court of Appeals. Fed. R. App. P. 24(a)(4)-(5).

The good faith standard is an objective one. Coppedge v. United States, 369 U.S. 438, 445 (1962). The test under 28 U.S.C. § 1915(a) for whether an appeal is taken in good faith is whether the litigant seeks appellate review of any non-frivolous issue. Id. at 445-46. The same considerations that lead the Court to dismiss this case also compel the conclusion that an appeal would not be taken in good faith. It is therefore CERTIFIED, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal in this matter by Plaintiff would not be taken in good faith, and Plaintiff may not proceed on appeal in forma pauperis. Leave to proceed on appeal in forma pauperis is, therefore, DENIED. If Plaintiff files a notice of appeal, he must also pay the full $455 appellate filing fee or

file a motion to proceed in forma pauperis and supporting affidavit in the United States Court of Appeals for the Sixth Circuit within thirty (30) days.

IT IS SO ORDERED this 11th day of August, 2008.

s / Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE

Supreme Court, U.S.
FILED
JUN 11 2010
OFFICE OF THE CLERK

No. 09-1330

IN THE

Supreme Court of the United States

Rev. Dr. Willie Gerald Newsom, T.H.D., D.D.,

Petitioner,

v.

The United States, United States Justice Department, The State of Tennessee, State of Tennessee Department of Human Services, ET AL.

SUPPLEMENTAL *Respondent.*

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Sixth Circuit

~~MOTION FOR IMMEDIATE SUMMARY JUDGMENT~~

Rev. Dr. Willie G. Newsom
110 East Parkview St.
Dyersburg, TN 38024
(731) 285-7010
Pro Se Counsel for Petitioner

PARTIES TO THE PROCEEDING

The following individuals and entities are parties in the court below:

Rev. Dr. Willie Gerald Newsom; The United States, United States Justice Department, The State of Tennessee, State of Tennessee Department of Human Services, Marianna Williams, Larry Blakeburn, Kimberly Childress Monteith, Kenny Monteith, Connie Haymon Scott, Telesa Taylor, Joni McGehee, Steve Stafford, Larry Newsom, Julio M. Pagan, Jan Stigall, Dyersburg Manor Nursing Home and Dyersburg State Gazette / Russ Communications Inc.

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MOTION FOR IMMEDIATE SUMMARY JUDGMENT

Petitioner Rev. Dr. Willie G. Newsom respectfully submits this motion for immediate summary judgment to review the final order of the United States Court of Appeals for the Sixth Circuit that road-blocked this Petitioner's right to Due Process of Law.

INTRODUCTION

This extremely well documented case is truly of immense national importance: Because it reveals very serious abuses by rebellious, out of control officials of our constitutionally guaranteed rights as U.S. citizens which if ignored by the U.S. Supreme Court and U.S. Congress can potentially like an invasive cancer destroy our wonderful, freedom-loving democracy.

REASONS FOR GRANTING THIS MOTION

Article VI of the U.S. Constitution states Under Section 2: "This Constitution, and the

Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

Section 3: "The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any office or public Trust under the United States."

I. This Petitioner formally complains that Judges and personnel of the 6th Circuit and four (4) lower courts knew or should have known that they have all committed a felony offense when they illegally, dishonorably, unconstitutionally, and criminally ignored the Petitioner's and his Mother's statutory and constitutionally guaranteed inalienable rights.

A. They knew or should have known under the 14th Amendment of the U.S. Constitution that

all citizens are guaranteed Due Process of Law and a full hearing before an unbiased judge where their witnesses and evidence can be thoroughly reviewed.

1. The evidence shows that the Defendants road-blocked this Petitioner's and his Mother's constitutional right to legal representation and their right to appeal their unjust rulings that they made without any proof and without a hearing at any time.

2. The defendants criminally violated this Petitioner's 6th Amendment rights by falsely accusing him of crimes against his Mother in their filings and judging him as guilty of such without any proof, but they refused to respect his demand for a Trial by Jury to defend himself. It is a basic principle of law that all citizens are innocent until proven guilty by the preponderance of the evidence: And that they are not to be subjected to the abuse of one-sided rulings that denied them their rights to defend themselves against false charges.

3. All five courts have road-blocked by color of their position: The Petitioner's and his Mother's inalienable right of even a hearing.

B. The Petitioner has shown from the onset of the abuses of the identified defendants that he invoked the right of Trial by Jury for himself and his Mother: As his Mother's only General Durable

Power of Attorney, as his Mother's only care-giver for 22 years, as his Mother's legal voice during that period, and as her only executor of her will and estate.

1. The Petitioner has demanded from the onset that the various injuries that he himself has suffered by the actions of the defendants as well as the injuries of his Mother that were caused by the same defendants be addressed by a Trial by Jury only: An inalienable or guaranteed right that he has refused to revoke or relinquish.

a. The 7th Amendment to the U.S. Constitution states: "In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

b. Under the Federal Rules of Civil Procedure (FRCP) Rule 38(a) states: "(a) Right Preserved. The right of trial by jury as declared by the Seventh Amendment to the Constitution – or as provided by a federal statute – is preserved to the parties inviolate."

c. Under the FRCP Rule 39(a) states: "(a) When a Demand Is Made. When jury trial has been demanded under Rule 38, the action must be designated on the docket as a jury action. The trial on all issues so demanded must be by jury."

II. The Judges and personnel of the 6th Circuit, of the U.S. Supreme Court, and of the U.S. District Court in Memphis, TN have all trapped themselves by a previous ruling pertaining to violations of U.S. Code 18 Chapter 13 § 242 that they all decided is a valid and constitutionally statutory law.

A. U.S. Code 18 Chapter 13 § 242 makes it a felony offense to deny any U.S. citizen of his or her guaranteed / inalienable Constitutional and Civil Rights.

B. *United States of America v. David W. Lanier* (95-1717), 520 U.S. 259 (1997) "David Lanier was formerly the sole state Chancery Court judge for two rural counties in western Tennessee. Lanier was convicted under 18 U.S.C. § 242 of criminally violating the constitutional rights of five women."

III. If the 6th Circuit claims U.S. Code 18 Chapter 13 § 242 is no longer to be respected by them, then they must order the immediate release of Judge David Lanier and award punitive damages from the U.S. Government for unjust and false imprisonment.

A. *United States of America v. David W. Lanier*: U.S. District Court, Western District of Tennessee at Memphis case Nr. 92-20172 and U.S. Court of Appeals, 6th Circuit case

Nr. 93-5608.

a. This case was said by U.S. Prosecutors to be the foundation for future prosecution of Judges under U.S. Code 18, Chapter 13 § 242 for violations of constitutional and civil rights of any U.S. citizen.

b. The history of this case is of the following: **Judge David W. Lanier, Dyer county Chancellor**, Dyersburg, TN was convicted of allegedly violating U.S. Code 18, Chapter 13 § 242 by **color of authority** and in violation of the constitutional and civil rights of **Vivian Forsythe** and has already spent **13 years** in Federal Prison with **10 years** left to serve.

c. **Judge Steve Stafford** is the one that **Judge Lanier's** political enemies promoted to take Judge Lanier's bench and is the same Steve Stafford who has demonstrated his abuse in this case.

d. The Petitioner complains that the evidence will show that **Judge Lanier was rail-roaded** just like the Petitioner and his Mother by his political enemies for there was no **forensic evidence** and the prosecution's chief witness: according

to the book Power to Hurt and unknown to the jury had a history of heavy drug problems, of mental and emotional instability, and as one who had a history of large numbers of illicit affairs.

e. The book also pointed out that Vivian Forsythe's own mother said: "Judge Lanier had only sought to be kind to her."

f. Her own brother has told to this Petitioner that his sister told him with a grin on her face: that Federal Prosecutors guaranteed her much money to testify against Judge Lanier and now lives in luxury within the State of Florida..

g. This book also points out that none of the alleged victims ever made a single complaint against Judge Lanier until his political enemies had ambitious, biased, and conniving prosecutors to search them out and organize their efforts.

h. Each one of the witnesses was alleged to have received large amounts of money for their testimony for their alleged abuse by Judge Lanier.

B. The Petitioner can also state as can others:

that he personally knows Judge David W. Lanier and has known him to be church going and never known as one to use alcohol or drugs and never known to gamble or to smoke and always to this Petitioner to be good hearted and was deeply loved by his wife and children prior to his nightmare.

C. This Petitioner states: That Judge Steve Stafford and Judge Lanier's political enemies hate this Petitioner and his Mother for having spoken out on behalf of Judge Lanier.

D. In the interest of Justice this Petitioner respectfully demands that the lower court actions against him and his Mother be over turned immediately, and I highly recommend that Judge David W. Lanier's conviction be reevaluated by the U.S. Supreme Court in light of the above revelations.

IV. The Petitioner's Right to full relief by Law:

A. *Intera Corp. v. Henderson*, 428 F.3d 605, 620 (6th Circuit)(2005) decided: "a District court may grant a Rule 59(e) Motion to alter or amend or overturn a lower court action or it's own previous decision if there is: (1) Clear violation of Law; (2) Newly discovered evidence; (3) A need to prevent manifest injustice; (4) Or a change in controlling law." Such is also backed up by *Smith v. Walmart Stores, Inc.* 167 F.3d 286, 289 (6th Circuit) (1999) and by *Cockrel v. Shelby County*

School District, 270 F.3d at 1047 (6th Circuit) (2001).

B. *SCREWS et. al. v. United States*, 325 U.S. 91, 65 S.Ct. 1031 decided: "Since a State can act only through its officers, Congress provided for the prosecution of any officer who deprives others of their guaranteed rights and denied such an officer the right to defend by claiming the authority of the State can empower an officer to commit acts which the Constitution forbade the State from authorizing, whether such unauthorized command be given for the State by its legislative or judicial voice, or by a custom contradicting the written law. See *Nashville, C. & St. L. Ry. v. Browning*, 310 U.S. 362, 369, 60 S.Ct. 968, 972, 84 L.Ed. 1254."

C. The David Lanier case had extensive pre-trial publicity that would have tainted any jury pool. By comparison this Petitioner complains that the one-sided State Gazette article about the Petitioner and his Mother concerning the one-sided circumstances of December 19, 2005 without any hearing would have prejudiced the general public. Therefore, the State Gazette / Russ Communications violated the Petitioner's and his Mother's right to true justice and to Due Process of Law in violation of U.S. Code 18, Part I, Chapter 73 § 1518.

V. OBSTRUCTION OF JUSTICE SEEN:

A. The Petitioner states: That unethically judges of the 6th Circuit and the U.S. District Court of Memphis, TN have sought by the use of their positions to stonewall and obstruct a formal examination of the great amount of evidence that show their employers did commit the stated abuses and have caused the injuries that the Petitioner and his Mother have suffered by their negligence and/or their misconduct/malice, and the evidence shows of state-wide violations of the rights of the Elderly and Disabled persons in violation of *Olmstead v. L.C.*, (98-536) 527 U.S. 581 (1999). Such is confirmed by the Tennessee Disability Coalition and the AARP Public Policy Institute.

B. The judges of the 6th Circuit and U.S. District Court in Memphis, TN have sought to cover-up the evidence that Judge Steve Stafford and Judge Lee Moore placed their abusive and unjustified one-sided rulings without even a hearing. The first ruling was placed on the Petitioner's birthday (January 5, 2006) and the second ruling was placed on the Petitioner's Mother's birthday (May 21, 2007) proving that fraud and malice occurred and their desire to deliberately hurt the Petitioner and his Mother.

C. Thusly, such proves the Petitioner is entitled to an immediate Summary Judgment and punitive damages under the Tennessee Governmental Tort Liability Act and the Federal Tort Claims Act.

D. The judges from the 6th Circuit and the U.S. District Court Judge Samuel Mays conspired to cover-up the existence of the letter from the U.S. Attorney's Office in Memphis, TN proving that the defendants – the United States and U.S. Justice Department – are both in default under the requirements of Rule 12 Subpart 3(A) and Rule 55 of the FRCP that gives the right to the Petitioner for immediate summary judgment for all monetary damages and relief prayed for.

E. The judges of the 6th Circuit in their latest order knew or should have known that all the notarized filings of this Petitioner made on his behalf and that of his Mother were always filed in a very prompt and timely manner.

F. If this Petitioner is not awarded an immediate summary judgment: then a full U.S. Senate hearing will be demanded which should be called Elders Gate or Hell Gate.

VI. The Petitioner is entitled by law to immediate summary judgment by Rule 8(d) of the FRCP: Because the defendants have never argued issues of the case as seen in the justice tracking system and have never argued the injuries that the Petitioner has claimed they caused the Petitioner and his Mother. They are by law admitting their guilt of the charges of the Petitioner after 4 ½ years of failure to challenge any of the stated charges.

A. The Defendants have violated FRCP Rules 8(d), 9, 11, 12(3)(A), 15, 33, 37, 38(a), 39(a), 55, 56, 59(e), and 60: Showing this Petitioner's right to immediate summary judgment.

B. The Petitioner was given full authority by FRCP Rule 15 and by Docket Nr. 45 ORDER by the U.S. District Court Judge Samuel Mays: To add the United States and the U.S. Justice Department and others that are identified as defendants in this case, since Judge Mays ordered an entirely new complaint to be filed.

C. The Petitioner complains that he formally submitted a request to the U.S. District Court Judge Samuel Mays and the U.S. Court of Appeals for the Sixth Circuit, as a bed-ridden and SSI recipient on behalf of himself and his Mother to be assigned legal representation under 28 U.S.C. § 1915, but each court refused the requests.

D. Retired Judge Darryl White as the President of the Retired Judges Association of the United States told this Petitioner by phone: "We are saddened and angered that there are still judges in America that have been allowed to sit on a bench who swore to uphold the U.S. Constitution if placed on that bench who are now ignoring the rights of citizens that are guaranteed under the U.S. Constitution. Every freedom loving American should let their voices be heard if they do not want their democracy to be destroyed by such abuses."

E. Retired Judge Lyman Ingram said to this

Petitioner: "All of your filings are excellent to me and show that the defendants caused you and your Mother to be injured; you are entitled to summary judgment by law. I think that Judge Samuel Mays is trying to oppress you and your Mother and that he and the other judges are trying to run interference for the defendants of your case by trying to use unjust and illegal stalling tactics when they know that you are entitled to summary judgment."

VI. STATUTORY PROTECTION INVOKED:

This Petitioner invokes U.S. Code 28 § 2111 to shield this filing from unjust criticism and harmless errors, as he did in all of his filings, including his ordered Amended Complaint filed with the U.S. District Court in Memphis, TN.

CONCLUSION:

A. This case sparked a national investigation by the U.S. Government Accountability Office that discovered and has reported in GAO Report Nr. 10-434R: That almost 70% of Nursing Homes Nation-Wide were found to seriously under report abuses and negligence of those Nursing Homes in reference to Dehydration, Malnutrition, Broken Bones, Bed Sores, and other injuries. The same

report states: The State of Tennessee had 86.4% of its Nursing Homes to under report their general deficiencies in the above indicated areas of concern.

B. This Petitioner pleads with the U.S. Supreme Court in the interest of justice to permit formal examination of the evidence filed by this Petitioner: That prove the key Defendants allowed wide-spread enslavement of Senior citizens and Disabled persons without Due Process of Law.

C. This Petitioner invokes his Title II right to a video teleconference to address the Court in this matter pertaining to the well being and safety of all American citizens in regard to this serious situation.

D. The Petitioner respectfully challenges the honorable Judges of the U.S. Supreme Court to carefully review the En Banc Brief of the Appellant and the Composite Reply Brief of the Appellant that were submitted to the U.S. Court of Appeals for the Sixth Circuit: As well as the Petitioner's Amended Complaint that was submitted to the U.S. District Court Western District of Tennessee: Noted as Docket Entry 68.

E. The Petitioner respectfully demands either immediate Summary Judgment or an order for

immediate Trial by Jury before the U.S. Supreme Court in accordance with 28 U.S.C. § 1872 or an order to the U.S. District Court to hold a Trial by Jury with a new judge assigned immediately.

Respectfully Submitted under penalty of perjury:

Rev. Dr. Willie Gerald Newsom

Rev. Dr. Willie Gerald Newsom, Th.D., D.D.
110 East Parkview Street
Dyersburg, TN 38024
(731) 285-7010

Pro Se Counsel for Petitioner

June 10, 2010

TITLE 28--JUDICIARY AND JUDICIAL PROCEDURE PART IV--JURISDICTION AND VENUE CHAPTER 85--DISTRICT COURTS; JURISDICTION Sec. 1331.

Federal question: The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

TITLE 28--JUDICIARY AND JUDICIAL PROCEDURE PART IV--JURISDICTION AND VENUE CHAPTER 85--DISTRICT COURTS; JURISDICTION Sec. 1343.

Civil rights and elective franchise: (a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person: (1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42; (2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent; (3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States; (4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote. (b) For purposes of this section-- (1) the District of Columbia shall be considered to be a State; and (2) any Act of Congress applicable

exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

TITLE 28--JUDICIARY AND JUDICIAL PROCEDURE PART IV--JURISDICTION AND VENUE CHAPTER 89--DISTRICT COURTS; REMOVAL OF CASES FROM STATE COURTS Sec. 1443.

Civil rights cases: Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending: (1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof; (2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law.

TITLE 42--THE PUBLIC HEALTH AND WELFARE CHAPTER 21--CIVIL RIGHTS SUBCHAPTER I--GENERALLY Sec. 1981.

Equal rights under the law: (a) Statement of equal rights All persons within the jurisdiction of the United States shall have the same right in every [[Page 3691]] State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other. (b) ``Make and enforce contracts'' defined For purposes of this section, the term ``make and enforce contracts'' includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship. (c) Protection against impairment The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.

TITLE 42--THE PUBLIC HEALTH AND WELFARE CHAPTER 21--CIVIL RIGHTS SUBCHAPTER I--GENERALLY Sec. 1983.

Civil action for deprivation of rights: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

Supreme Court, U.S.
FILED
JUL 20 2010
OFFICE OF THE CLERK

No. 09-1330

IN THE

Supreme Court of the United States

Rev. Dr. Willie Gerald Newsom, T.H.D., D.D.,

Petitioner,

v.

The State of Tennessee, ET AL.

Respondent.

Rule 44 Appeal On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Sixth Circuit

GUARANTEED APPROVAL BY U.S.C. 18 CHAPTER 13 § 242 FOR FAILURE TO RECEIVE RIGHTS DEMANDED AND GUARANTEED UNDER THE U.S. CONSTITUTION

Rev. Dr. Willie G. Newsom
110 East Parkview St.
Dyersburg, TN 38024
(731) 285-7010

Counsel on Record

PARTIES TO THE PROCEEDING

The following individuals and entities are parties in the court below:

Rev. Dr. Willie Gerald Newsom; The United States, United States Justice Department, The State of Tennessee, State of Tennessee Department of Human Services, Marianna Williams, Larry Blakeburn, Kimberly Childress Monteith, Kenny Monteith, Connie Haymon Scott, Telesa Taylor, Joni McGehee, Steve Stafford, Larry Newsom, Julio M. Pagan, Jan Stigall, Dyersburg Manor Nursing Home and Dyersburg State Gazette / Russ Communications Inc.

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PETITION UNDER RULE 44 FOR U.S. SUPREME COURT RULES

Petitioner Rev. Dr. Willie G. Newsom respectfully submits this petition to review his request of a Writ of Certiorari of the final order of the United States Court of Appeals for the Sixth Circuit that road-blocked this Petitioner's right to Due Process of Law.

I. Clear Understanding of this Petitioner's Intentions:

A. This Petitioner has never asked for and/or demanded now or in the future for the impeachment, removal, or prosecution of any official or named Defendant of this case.

B. The above has never been the Petitioner's goal nor his responsibility.

C. The Petitioner has faithfully believed the U.S. Supreme Court will seek to peacefully help resolve this situation in such a way as to protect and preserve the Constitutional and Civil Rights of the Petitioner and his beloved Mother.

II. This Case has all the Elements to constitute an important Land Mark Case of National Importance before the U.S. Supreme Court:

A. If the U.S. Supreme Court would answer the simply worded and very profound questions submitted to the Court by this Petitioner, such could potentially save the courts throughout America loss of time and needless debate by clarifying these issues now.

B. Justice and fairness to all would best be served: If the U.S. Supreme Court would answer these important questions for the safety and well being of all Americans that might in the future face similar problems as this Petitioner and his Mother have encountered.

III. What Due Process of Law would have shown:

A. This Petitioner and his Mother have suffered injuries caused by the Defendants that have never been discussed by any court and which the Defendants have never argued or refuted in the last 4 ½ years.

B. Many sworn Affidavits of witnesses found filed in the justice tracking system prove

that the Defendants did willfully leave this Petitioner who has been bed ridden for 17 years without any personal care and without a proper functioning telephone all alone and without warning.

C. Records of two hospitals filed in the justice tracking system prove that the Defendants almost caused the loss of life of this Petitioner by their negligence, and that he is a former U.S. Army Officer who faithfully served this nation as an honored veteran who has sought for 22 years to receive physical therapy and care as the result of the indifference of some state and federal officials.

D. By their own words the Defendants admit that this Petitioner is an invalid confined at all times to his bed: And thusly knew or should have known that their actions endangered him and deprived him of safety and well being and not to be horrified by their conduct.

IV. This Petitioner retains his faith that the wise and honorable Judges of the U.S. Supreme Court will correct this injustice now that the Court understands this situation:

A. The wise Judges of the U.S. Supreme Court placed over the door way of the U.S. Supreme Court building the following words to

reflect their continued desire to show fairness: " Equal Justice For All ".

B. The Petitioner believes that the present judges of this Court will agree with the words of the Chief Justice from the United States who spoke at the Nuremberg Trials in Germany at the close of World War II who said: " We are met here today because of the immense value of Justice, Truth, and the Human Rights of each individual" .

C. This Petitioner has never received at any time in any court his constitutionally guaranteed right of Trial by Jury that he habitually invoked that is required to be respected under the Federal Rules of Civil Procedures (FRCP) Rule 38 (a) and Rule 39 (a), under the guaranteed right of the 7th Amendment, and by the authority of U.S.C. 18 Chapter 13 § 242 which the U.S. Supreme Court ruled to be a constitutionally valid federal law.

D. This Petitioner has never received any hearing or conference at any level to examine his witnesses and evidence: And neither has his Mother for whom he is her only General Durable Power of Attorney and only Executor of her will and estate, which violated their 14th and 5th Amendment rights to Due Process of Law and to equal protection under the Laws: And their 1st Amendment right to redress grievances.

V. Standard for Review:

A. In ***Twining v. New Jersey***, 211 U.S. 78, 29 S.Ct. 14 (1908): " The words 'Due Process of Law' 'were intended to secure the individual from the arbitrary exercise of the powers of government, unrestrained by the established principles of private rights and distributive justice.' ***Bank of Columbia v. Okely***, 4 Wheat. 235, 244, 4 L. ed. 559, 561 (1819) (approved in ***Hurtado v. California***, 110 U.S. 516, 527, 28 L. ed. 232, 235, 4 Sup. Ct. Rep. 111, 292 (1884); ***Leeper v. Texas***, 139 U.S. 462, 468, 35 L. ed. 225, 227, 11 Sup. Ct. Rep. 577(1891); ***Scott v. McNeal***, 154 U.S. 34, 45, 38 L. ed. 896, 901, 14 Sup. Ct. Rep. 1108) (1894)."

B. ***United States v. William Wagner***, (99-2481), (6th Cir. 2001) states: "The right to a jury trial is a fundamental right and is not subject to harmless error review. Because the right to a trial by jury is a fundamental constitutional right, a waiver cannot be presumed from a silent record. ***Untied States v. Lee***, 539 F.2d 606, 609 (6th Cir. 1976)(citing ***Burnham v. N. Chicago St. Ry. Co.***, 88 F. 627 (7th Cir. 1898)). In fact, 'courts indulge every reasonable presumption against waiver of fundamental constitutional rights and require a showing of an intentional relinquishment or abandonment of known right or privilege.' Lee. 539

F.2d at 609-610 (citing *Johnson v. Zerbst*, 304 U.S. 458, 464, 58 S.Ct. 1019, 82 L.ed. 1461 (1938)."

VI. CONCLUSION

A. Although this Petitioner is entitled by law to summary judgment immediately, he has always stated his willingness to peacefully mediate this matter as U.S.C. 28 §§ 651, 652 recommend and relies on U.S.C. 28 § 2111 to shield this filing from unjust criticism and harmless errors as he did with all other filings.

B. This Petitioner certifies under oath that since this filing was prepared: He has consulted with a very experienced Law Firm who has filed cases on appeal court levels that certified to this Petitioner the Law Firm will absolutely represent this Petitioner later, if this honorable Court awards mediation, a hearing, or some other proceedings.

C. If the fair-minded Judges of the U.S. Supreme Court whose hearts are full of integrity were now to grant this bed-ridden Petitioner and Counsel relief in this matter that his filed affidavits of witnesses prove that he is entitled to receive: May The Supreme Judge and Creator of our universe and All Freedom loving Americans

say with deep appreciation of this highest Court of our Nation:

" WELL DONE, GOOD AND FAITHFUL SERVANTS ! "

Respectfully Submitted under penalty of perjury:

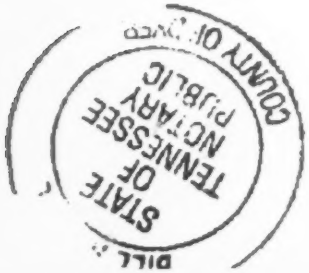
Rev. Dr. Willie Gerald Newsom

Rev. Dr. Willie Gerald Newsom
110 East Parkview Street
Dyersburg, TN 38024
(731) 285-7010
Counsel of Record

B.A., M.A., Th.M., D.D., D.Min., Th.D., M.L.D.

Sworn to and subscribed before me on this 19th day of the month of July in the year 2010. My notary commission expires on the 28 day of the month of JAN in the year 2012.

NOTARY OF PUBLIC





"GOOD FAITH CERTIFICATION UNDER OATH"

I, Rev. Dr. Willie G. Newsom, who serves as Pro Se Counsel of Record under the authority of U.S.C. 28 § 1654 do hereby declare under penalty of perjury that I make this formal filing in Good Faith with no intention to delay: As directed per U.S. Supreme Court Rule 44.

Rev. Dr. Willie G. Newsom
Pro Se Counsel of Record

Sworn to and subscribed before me on this 19th day of the month of July in the year 2010. My notary commission expires on the 28 day of the month of JAN in the year 2012

NOTARY OF PUBLIC

BILL REVELL
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DYER

STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DYER